

MALAYSIAN LAW OF TRUSTS

Editor
DR MOHSIN HINGUN

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CHARITABLE TRUSTS

HAMIMAH HAMZAH*

1. Introduction

There is no statutory definition of charity in West Malaysia. In Sarawak, the Charitable Trusts Ordinance¹ provides that ‘any trust or grant of, or endowment ... for any religious, educational or other charitable purpose’ is a charitable trust.

The preamble to the Statute of Charitable Uses, 1601² (the Statute of Elizabeth I) provided ‘an index or chart’ as to what was charitable:

‘The relief of aged, impotent and poor people;
the maintenance of sick and maimed soldiers and
mariners, schools of learning, free schools and
scholars of universities; the repair of bridges,
ports, havens, causeways, churches, sea banks

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¹ (Cap. 102).

² Referred to by Maxwell CJ in *Choa Choon Neo v. Spottiswoode* (1869) 1 Kyshe 216.